

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 9

In The Matter Of:)	
MAGNA CORPORATION,)	ORDER
Respondent)	85-06
PROCEEDING UNDER SECTION 106(a))	
OF THE COMPREHENSIVE ENVIRONMENTAL)	
RESPONSE, COMPENSATION AND LIABILITY)	
ACT OF 1980 (42 U.S.C. 9605(a)))	
AND SECTION 3013 OF THE RESOURCE)	
CONSERVATION AND RECOVERY ACT)	
(42 U.S.C. 6934))	

The following Order is issued on this date to Magna Corporation ("Respondent") pursuant to Section 106(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. 9606(a), and Section 3013 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6934, by authority delegated to the undersigned by the Administrator of the United States Environmental Protection Agency ("EPA"). Notice of the issuance of this Order has heretofore been given to the State of California.

1 The Director, Toxics and Waste Management Division, EPA
2 Region 9 has determined that there may be an imminent or
3 substantial endangerment to the public health or welfare or
4 to the environment because of an actual or threatened release
5 of hazardous substances from a facility owned and operated by
6 Magna Corporation. EPA has also determined that the presence
7 and release of hazardous waste from a facility owned and operated
8 by Magna Corporation may present a substantial hazard to human
9 health or to the environment.

10 This Order directs Magna Corporation to undertake certain
11 site mitigation measures to protect the public and the environ-
12 ment from this endangerment. The Order also directs Magna
13 Corporation to implement a soil sampling program to determine
14 the nature and extent of contamination due to releases from
15 its facility.

16 FINDINGS OF FACT AND CONCLUSIONS OF LAW

17 1. Respondent, Magna Corporation, owns and operates a
18 facility located at 11808 South Bloomfield, Santa Fe Springs,
19 California ("Magna facility").

20 2. The Magna facility is an EPA-registered pesticide
21 producing establishment, which formulates, packages and distributes
22 various pesticide products.

23 3. The Magna facility is a "facility" as defined in Section
24 101(9) of CERCLA.

25 4. Based upon information provided by the Respondent in
26 response to an EPA National Dioxin Study Tier 3 questionnaire,
27 EPA has determined that the Magna facility formulated (blended)
28 2,4,5-Trichlorophenol ("2,4,5-TCP") during the period 1961 to 1978.

1 5. Respondent formulated industrial bactericides at the
2 Magna facility under the brand names "MAGNACIDE" 414" and
3 "MAGNACIDE" 440". These two products contained the active
4 ingredient 2,4,5-TCP and the sodium salt of 2,4,5-TCP in concen-
5 trations of 16.5% and 32.7% respectively.

6 6. EPA has found that 2,4,5-TCP may contain 2,3,7,8,-
7 tetrachlorodibenzo-p-dioxin ("2,3,7,8-TCDD"), commonly known as
8 dioxin, as an inadvertant contaminant [50 FR 1978 (January 14,
9 1985)]. This regulation designates process wastes from the
10 production and manufacturing use of trichlorophenols or formu-
11 lations containing compounds derived from these chlorophenols
12 as acute hazardous wastes as defined in Section 1004(5) of
13 the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C.
14 6903(5), and Title 40 of the Code of Federal Regulations Section
15 261.31 (EPA hazardous waste #F020), [40 CFR §261.31].

16 7. 2,4,5-TCP and 2,3,7,8-TCDD are hazardous substances as
17 defined in Section 101(14) of CERCLA and 40 CFR Part 302.

18 8. On June 27, 1985, EPA representatives (Ecology &
19 Environment, Inc.) collected on-site and background soil samples
20 at the Magna facility under the direction of EPA. The samples
21 were collected pursuant to EPA authority under Section 104 of
22 CERCLA and Section 3007 of RCRA.

23 9. One sample was collected from accumulated soil/sediment
24 from wash down operations along the eastern perimeter of the
25 Magna facility, downgradient from the former 2,4,5-TCP formula-
26 tion area. The soil/sediment sampled overlaid pavement along
27 the length of the eastern facility boundary. An estimated

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1 300 feet by 25 feet area of the pavement is covered with accumu-
2 lated soil and sediment from wash down.

3 10. Laboratory analysis indicates of this sample contained
4 concentrations of 2,3,7,8-TCDD at 1.6 parts per billion ("ppb").
5 Duplicate analysis of this same sample indicated a concentration
6 of 2.0 ppb of 2,3,7,8-TCDD. Other organic compounds were also
7 detected at this location.

8 ENDANGERMENT

9 11. Migration Route: Dioxin contamination has been
10 confirmed at the eastern perimeter of the Magna facility. EPA
11 did not collect samples immediately off-site from this area;
12 however, it is reasonable to assume that off-site releases of
13 dioxin-contaminated soil may have occurred via surface runoff.
14 Although 2,4,5-TCP is no longer being formulated at the facility,
15 dioxin-contaminated soil may be washed off-site as long as this
16 soil/sediment remains on the pavement. Besides surface runoff,
17 contaminated soils are subject to aerial dispersion and entrain-
18 ment via prevailing westerly winds and seasonal "Santa Ana"
19 conditions. Studies have shown that the most probable transport
20 mechanisms of dioxin from soils are transport to atmosphere via
21 contaminated dust particles, direct volatilization from the
22 surface or near surface zones and transport to surface water
23 via eroded soil.

24 12. Population at Risk: Although the Magna facility is
25 located in an industrial area, there are residential developments
26 and a large state mental hospital within one-quarter mile of the
27 facility. Generally, persons at risk are workers at this and
28 neighboring facilities and area residents (including long-term

1 patients at the hospital) who may inhale contaminated dust
2 or vapor, and children who may ingest dioxin-contaminated soil
3 carried off-site via winds.

4 12. Environmental Fate and Health Effects of 2,3,7,8-TCDD:

5 2,3,7,8-TCDD is extremely persistent in the environment and
6 readily adheres to soil particles. The half-life of 2,3,7,8-
7 TCDD in soils may be greater than ten years. ("Half-life" is
8 the time required to reduce the concentration of a constituent
9 by one-half.) 2,3,7,8-TCDD is one of the most toxic substances
10 known. It exhibits a delayed biological response in many species
11 and is highly lethal at low doses to aquatic organisms, birds
12 and mammals. It has been shown to be acnegenic, fetotoxic, tera-
13 togenic, mutagenic (in a limited number of mutagenicity tests)
14 and carcinogenic, and affects the immune responses in mammals.
15 The Centers for Disease Control ("CDC") and EPA have established
16 an action level for 2,3,7,8-TCDD of 1.0 ppb (in soils/sediments)
17 for dioxin contamination in residential and other public access
18 areas.

19 DETERMINATIONS

20 Based upon the foregoing Findings of Fact, the Director,
21 Toxics and Waste Management Division, EPA Region 9 has made the
22 following determinations:

23 1. The release and threatened release of 2,3,7,8,-TCDD
24 may present an imminent or substantial endangerment to public
25 health and welfare and the environment.

26 2. In order to prevent or mitigate immediate and signif-
27 icant risk of harm to human life, health or to the environment,
28 it is necessary that immediate removal action be taken to contain

1 and terminate the release and potential release of hazardous
2 substances from the Magna facility.

3 3. The response measures ordered herein are consistent
4 with the National Contingency Plan [40 CFR Part 300].

5 4. Hazardous wastes have been stored, treated or disposed
6 of at the Magna facility and are present at this facility.

7 5. The release of hazardous wastes from the Magna facility
8 may present substantial hazard to human health or the environment.

9 6. Respondent is a current owner/operator responsible for
10 conducting the actions ordered herein, which are necessary to
11 protect human health and the environment.

12
13 ORDER

14 Based upon the foregoing Findings of Fact and Determinations,
15 Respondent is hereby ordered and directed to implement the
16 following measures:

17 SITE MITIGATION

18 1. Within seven days of the date of this Order, Respondent
19 shall notify EPA pursuant Section 3010 of RCRA that it generates,
20 transports, treats, stores or disposes of dioxin-containing
21 wastes. Notification instructions are set forth in Volume 45
22 of the Federal Register 12746 (February 26, 1980).

23 2. Within seven days of the date of this Order, Respondent
24 shall submit to EPA a written confirmation of their intention to
25 remove and containerize all dioxin-contaminated soils from the
26 paved area along the eastern perimeter of the Magna facility.
27 The written confirmation shall include a draft plan for site
28 mitigation to be conducted in accordance with state and federal

1 law. At a minimum, the plan shall include: (1) site safety
2 measures to protect on-site workers and the surrounding commun-
3 ity, including dust suppression techniques; (2) provisions for
4 identifying, removing, packaging, labeling, handling, and
5 storing of all dioxin-contaminated soils, sediment and pallets
6 accumulated downgradient from the 2,4,5-TCP formulating area
7 in accordance with RCRA, 42 U.S.C. 6901 et seq., the hazardous
8 waste management regulations for dioxin-containing wastes
9 [50 FR 1978 (January 14, 1985)], and applicable state and local
10 laws; (3) procedures to decontaminate removal equipment and
11 surface areas downgradient from the 2,4,5-TCP formulating area;
12 and (4) a schedule for implementing site mitigation. The site
13 mitigation schedule shall provide for the complete removal and
14 containerization of contaminated soil, sediment and pallets
15 within thirty days of the date of EPA approval. The schedule
16 shall also provide for the transportation of all containerized
17 dioxin wastes to an approved hazardous waste storage facility
18 within ninety days of removal.

19 3. Within two days of EPA approval of a site mitigation
20 plan, Respondent shall begin implementation of the plan.

21 4. Within twenty days of transporting all dioxin-containing
22 wastes to an approved storage facility, Respondent shall submit
23 to EPA a report describing the site mitigation project and
24 documenting complete removal of all on-site dioxin wastes. The
25 report shall also describe Respondent's plan for long-term
26 storage of the containerized wastes pending approval of a dioxin
27 treatment or disposal facility.

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1 5. Respondent shall transport all dioxin-containing wastes
2 which are the subject of this Order to an approved treatment or
3 disposal facility within ninety days of its startup date. A
4 copy of the manifest signed by a permitted treatment or disposal
5 facility shall be sent to EPA Region 9 upon receipt by Respondent.

6 SITE CHARACTERIZATION

7 6. Within twenty days of the date of this Order, Respondent
8 shall submit a proposal to EPA for the sampling, analysis, and
9 reporting of hazardous wastes released from the Magna facility
10 to an off-site area adjacent to the eastern boundary of the
11 facility. The off-site area to be characterized is bounded by
12 the eastern facility perimeter and the western rail of the Santa
13 Fe Railroad tracks ("off-site area"). The proposal shall include
14 at minimum, the following elements:

15 a. A sample plan to determine the lateral and vertical
16 distribution of hazardous wastes and contaminants in soils in
17 the off-site area. The plan shall identify soil sampling
18 locations, including the following minimum sample points:
19 (1) surface samples along the length of the eastern facility
20 boundary; (2) surface samples from apparent sedimentation
21 pathway(s); and (3) sample points within a grid system over the
22 entire off-site area. A surface and one foot sample shall be
23 collected at the lowest elevation within each grid.

24 b. Quality control protocols for the sampling program
25 including:

- 26 • Equipment
- 27 • Decontamination of sampling equipment
- 28 • Sample handling and decontamination

1 • Procedure for packing hazardous waste samples

2 • Personnel and site safety procedures

3 • Sample identification

4 • Chain-of-custody

5 • Identification of persons conducting the sampling

6 c. A plan for retaining, identifying, maintaining and
7 submitting to EPA, upon request, duplicates of all samples
8 taken pursuant to this Order. These duplicate samples shall
9 be collected and identified in the identical manner as those
10 collected by the Respondent.

11 d. Analytical and quality control protocols for organic
12 compounds. At a minimum, this protocol shall include analysis
13 for volatile organics (EPA Method 624), base, neutral and acid
14 compounds (EPA Method 625), and 2,3,7,8-TCDD (EPA Method 613).

15 e. A schedule for completing all work identified in the
16 sampling and analysis plan.

17 7. Upon EPA approval, Respondent shall implement the
18 sampling and analysis plan in accordance with the approved
19 schedule.

20 8. Within ninety days of EPA approval of the sampling and
21 analysis plan, Respondent shall complete site characterization
22 and submit a report describing the samples collected, the results
23 of analysis and the need for additional site characterization.

24 In carrying out the terms of this Order, Respondent shall
25 comply with all federal, state and local laws and regulations.
26 Respondents shall also obtain all required state and local
27 permits.

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1 Employees and authorized representatives of EPA and the
2 State of California shall be granted access to the Magna facility
3 for the purpose of verifying compliance with the terms of this
4 Order.

5 EPA may take over the removal action at any time if EPA
6 determines that Respondents are not taking appropriate action
7 to mitigate the site hazard. In the event EPA assumes responsi-
8 bility for the removal action, Respondent shall be liable for
9 all costs incurred by EPA to mitigate the site hazard. EPA may
10 order additional removal or remedial actions deemed necessary by
11 EPA to protect the public health and welfare or the environment.

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13 EFFECTIVE DATE - OPPORTUNITY TO CONFER

14 This Order is effective upon receipt, and all times for
15 performance shall be calculated from that date. You may request
16 a conference with the Director, Toxics and Waste Management
17 Division, EPA Region 9 or his staff to discuss the provisions
18 of this Order. At any conference held pursuant to your request,
19 you may appear in person or by counsel or other representatives
20 for the purpose of presenting any objections, defenses or
21 contentions which you may have regarding this Order. If you
22 desire such a conference, please contact one of the persons
23 named below within the time set forth above for requesting a
24 conference.

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1 PENALTIES FOR VIOLATION

2 Your willful violation or failure or refusal to comply
3 with this Order, or any portion thereof, may subject you to a
4 civil penalty of up to \$5000 per day pursuant to Section 106(b)
5 of CERCLA, 42 U.S.C. 9606(b), and punitive damages equal to
6 three times the amount of all costs incurred by the Government
7 pursuant to Section 107(c)(3) of CERCLA, 42 U.S.C. 9607(c)(3).

8 It is so ordered on this 27 day of September, 1985.

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10 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

11
12 By: 

13 HARRY SBRAYDARIAN
14 DIRECTOR, TOXICS & WASTE MANAGEMENT DIVISION
15 EPA, REGION 9

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